

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDVIN RUSIS, HENRY GERRITS,)
PHIL MCGONEGAL, and DAVID HO)
ENG, individually and on behalf)
of all other similarly situated individuals,)
Plaintiffs,) Civil Action No. 1:18-cv-08434
v.)
INTERNATIONAL BUSINESS)
MACHINES CORP.)
Defendant.)

)

Affidavit of Edvin Rusis

1. I am an adult resident of Laguna Niguel, California.
2. I worked for IBM from 2003 to approximately June 27, 2018, when I was laid off.
3. I am fifty-nine (59) years old.
4. When I started at IBM, I held the position of strategic services specialist. In 2006, I became a solution manager for IBM's Global System Integrator Alliances.
5. For the next ten years, I received consistently positive performance reviews, regularly received raises and performance based bonuses, and I did not receive any complaints regarding the quality of my work.
6. In approximately October 2016, IBM moved me from the Global System Integrator Sales team to a new team called Channel Technical Professionals. This team was responsible for giving specialized technical support to IBM partner

companies such as Deloitte. The vast majority of individuals who were moved into this group were over the age of forty (40), including myself.

7. In the year after I joined the Channel Technical Professionals team, numerous individuals over the age of forty (40) in the team were laid off, and assignments that used to be assigned to me began to be assigned to groups with other, younger members. Around this time, younger IBM employees began contacting me from other teams, explaining that they had received the assignments that used to be assigned to me, and they asked me for training on how to complete those assignments.
8. In February 2018, my IBM manager informed me that I would no longer receive a quarterly bonus, and I would not be permitted to attend an annual IBM training conference in Las Vegas.
9. In March 2018, I received a letter from my manager at IBM stating that I was going to be laid off, effective June 27, 2018. The only explanation that the letter provided for the layoff was that sometimes IBM had need for some skills more than others. It did not specify what skills IBM needed more of, or which of my skills it purportedly no longer needed.
10. The explanation in the letter also did not make sense because it was apparent to me that IBM's need for my specific skillset had increased over the last several years. I was also regularly involved in training other (younger) IBM employees in my skillset. Additionally, I had routinely completed IBM trainings to ensure that my skillset was up to date with IBM's needs. Furthermore, when I asked my

supervisors in what way my skillset was lacking, they were not able to tell me anything specific.

11. At the time I received the notice of my layoff, I also received a call from my first-line manager, Duane Eger, who told me that he did not know why IBM was laying me off and that he was not responsible for that decision.
12. In subsequent conversations that I had with my first-line manager, he maintained that he was never provided a reason for my termination by IBM's upper management, but he was told by his managers that he was required to choose two individuals to be laid off.
13. To the best of my knowledge, approximately six out of the twelve members of the Channel Technical Professionals team, all of whom are over the age of forty (40), have been laid off.
14. After I received my notice of layoff, I used IBM's internal hiring platform to apply for five positions for which I was qualified, including one position on my former Global System Integrator Sales team. I did not ever receive a response regarding any of those job applications.
15. I had a conversation with a former IBM manager, Michele Jacobs, about why I had not had any success with applying to other internal IBM positions, and she told me that IBM had deterrents in place to prevent other departments from hiring individuals who had been laid off.
16. Based on my conversations with other current and former IBM employees, I expect that there are other employees over the age of forty (40) who have lost or

will shortly lose their jobs at IBM, who would be interested in joining the case if notified of their right to do so.

01/15/19

Signed under the pains and penalties of perjury on _____.



Edvin Rusis